

**Amendments to the claims:**

This listing of claims will replace all prior versions, and listings, of claims in the application:

**Listing of claims:**

Claim 1 (currently amended): A data transmission device in which a reception result of transmission data is confirmed on ground of a reception result notification transmitted from a receiving-end machine, comprising:

a transmission data generation section which generates the transmission data and a reception result request to be transmitted to the receiving-end machine; and

a transmission control section which controls and causes the transmission data generation section to generate the transmission data and transmits the generated transmission data and the reception result request simultaneously to the receiving-end machine,

when a communication error occurs, the transmission control section ~~causing the transmission data generation section to generate retransmission data with a format different from a format of the transmission data based on the reception result from the receiving-end machine, and retransmitting the retransmission data to the receiving-end machine~~determines whether or not a number of actual retransmissions is less than a predetermined set number of times to be retransmitted,

when the number of actual retransmissions is less than the predetermined set number of times, the transmission data is retransmitted without altering its format to the receiving-end machine,

when the number of actual retransmissions is equal to or greater than the predetermined set number of times, the transmission data with a format different from its previous format is retransmitted to the receiving-end machine.

Claim 2 (original): The data transmission device as defined in claim 1, wherein, when the retransmission data is generated, the transmission control section causes the retransmission data to have a most accepted format.

Claim 3 (original): The data transmission device as defined in claim 1, wherein, when the retransmission data is generated, if a capability of the receiving-end machine is suggested in the reception result notification, the transmission control section causes the retransmission data to have a format corresponding to the capability.

Claim 4 (original): The data transmission device as defined in claim 1, wherein,  
the transmission data includes image data, and  
the transmission control section alters a format of the image data of the transmission data, so as to cause the transmission data generation section to generate the retransmission data.

Claim 5 (original): The data transmission device as defined in claim 1, wherein, when the communication error is a transmission error which is nothing to do with a capability of the receiving-end machine, the transmission control section calls off generation of the retransmission data.

Claim 6 (original): The data transmission device as defined in claim 1, further comprising an operating section which displays information for a user and receives instructions from the user, wherein, the transmission control section controls and causes the operating section to display a format of the retransmission data for a user, and after receiving a retransmission instruction from the user, retransmits the retransmission data.

Claim 7 (original): The data transmission device as defined in claim 1, wherein, the transmission control section controls and causes the transmission data generation section to generate transmission data made up of e-mail data.

Claim 8 (currently amended): A data transmission method, by which a reception result of transmission data is confirmed on ground of a reception result notification transmitted from a receiving-end machine, comprising the steps of:

(a) generating transmission data and a reception result request to be transmitted to the receiving-end machine;

(b) transmitting the transmission data and the reception result request simultaneously to the receiving-end machine; and

(c) when a communication error occurs, ~~generating retransmission data with a format different from a format of the transmission data based on the reception result from the receiving-end machine, and retransmitting the retransmission data to the receiving-end machine~~determining whether or not a number of actual retransmissions is less than a predetermined set number of times to be retransmitted,

when the number of actual retransmissions is less than the predetermined set number of times, the transmission data is retransmitted without altering its format to the receiving-end machine,

when the number of actual retransmissions is equal to or greater than the predetermined set number of times, the transmission data with a format different from its previous format is retransmitted to the receiving-end machine.

Claim 9 (original): A communication system, comprising the data transmission device defined in claim 1.

Claim 10 (previously presented): A computer-readable medium encoded with computer executable instructions for executing a data transmission program, causing a computer of an information communication device to function as the transmission data generation section and transmission control section of the data transmission device defined in claim 1.

Claim 11 (previously presented): A computer-readable medium encoded with computer executable instructions for executing a data transmission program, causing a computer of an information communication device to execute the steps (a), (b), and (c) of the data transmission method defined in claim 8.

Claim 12 (previously presented): A computer-readable medium encoded with computer executable instructions, recording the data transmission program defined in claim 10.

Claim 13 (previously presented): A computer-readable medium encoded with computer executable instructions, recording the data transmission program defined in claim 11.

Claim 14 (previously presented): A data reception device, which receives the transmission data transmitted from the data transmission device defined in claim 1 and returns a reception result notification corresponding to the reception result, comprising:

- a storing section which stores information of transmission data having already been received; and

- a reception control section which determines whether newly-received transmission data is retransmission data of the transmission data having already been received or initial transmission data being different from the retransmission data, on ground of the information stored in the storing section,

- wherein the data reception device returns the reception result notification to the data transmission device upon receipt of the transmission data, and the data transmission device generates the retransmission data based on the reception result.

Claim 15 (original): The data reception device as defined in claim 14, wherein, the reception control section causes the storing section to store a communication management table which stores (i) an identifier of the transmission data having already been received and (ii) related information of the transmission data having already been received, in association with each other.

Claim 16 (original): The data reception device as defined in claim 15, wherein, when the newly-received transmission data is determined as the retransmission data, the reception control section causes the communication management table to store an identifier of initial transmission data regarding the retransmission data, as related information of the retransmission data.

Claim 17 (original): The data reception device as defined in claim 15, wherein, when the newly-received transmission data is determined as the retransmission data, the reception control section updates related information of initial transmission data regarding the retransmission data, in accordance with a reception result of the retransmission data.

Claim 18 (original): The data reception device as defined in claim 14, wherein, a transmission control section of the data transmission device causes the initial transmission data and retransmission data regarding this initial transmission data to share a single first ID, and  
on ground of this first ID, the reception control section determines whether the newly-received transmission data is retransmission data or initial transmission data.

Claim 19 (original): The data reception device as defined in claim 18, wherein, the reception control section causes the first ID attached to the transmission data to be included in the reception result notification.

Claim 20 (original): The data reception device as defined in claim 18, wherein, in addition to the first ID, the transmission control section of the data transmission device causes a second ID in the transmitted reception result notification to be included in retransmission data regarding this transmitted reception result notification, and  
on ground of the first or second ID, the reception control section determines whether newly-received transmission data is retransmission data or initial transmission data.

Claim 21 (original): The data reception device as defined in claim 14, wherein, a transmission control section of the data transmission device causes a second ID in transmitted reception result notification to be included in retransmission data regarding this transmitted reception result notification, and  
on ground of this second ID, the reception control section determines whether newly-received transmission data is retransmission data or initial transmission data.

Claims 22-23 (canceled)

Claim 24 (currently amended): A communication system, comprising:

a data transmission device in which a reception result of transmission data is confirmed on ground of a reception result notification transmitted from a receiving-end machine, comprising:

a transmission data generation section which generates the transmission data and a reception result request to be transmitted to the receiving-end machine; and

a transmission control section which controls and causes the transmission data generation section to generate the transmission data, and transmits the generated transmission data and the reception result request simultaneously to the receiving-end machine,

when a communication error occurs, the transmission control section ~~causing the transmission data generation section to generate retransmission data with a format different from a format of the transmission data based on the reception result from the receiving-end machine, and retransmitting the retransmission data to the receiving-end machine~~ determines whether or not a number of actual retransmissions is less than a predetermined set number of times to be retransmitted,

when the number of actual retransmissions is less than the predetermined set number of times, the transmission data is retransmitted without altering its format to the receiving-end machine,

when the number of actual retransmissions is equal to or greater than the predetermined set number of times, the transmission data with a format different from its previous format is retransmitted to the receiving-end machine; and

a data reception device which receives the transmission data transmitted from the data transmission device and returns a reception result notification corresponding to the reception result, comprising:

a storing section which stores information of transmission data having already been received; and

a reception control section which determines whether newly-received transmission data is retransmission data of the transmission data having already been received or initial transmission

data being different from the retransmission data, on ground of the information stored in the storing section.

Claim 25 (previously presented): A computer-readable medium encoded with computer executable instructions for executing a data reception program, causing a computer of an information communication device to function as the reception control section of the data reception device defined in claim 14.

Claim 26 (canceled)

Claim 27 (previously presented): A computer-readable medium encoded with computer executable instructions, storing the data reception program defined in claim 25.

Claim 28 (canceled)

Claim 29 (previously presented): The data transmission device as defined in claim 1, wherein the data transmission device has a MDN function, and the reception result request is derived from the MDN function.

Claim 30 (previously presented): The data transmission method as defined in claim 8, wherein the data transmission method has a MDN function, and the reception result request is derived from the MDN function.